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Herve Gouessant

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EXAMINER

ABRISHAMKAR, KAVEH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,018	Applicant(s) GOUSSANT ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on January 27, 2005. Claims 1-15 were previously pending consideration. Per the received amendment, claims 16-17 are added.
2. Claims 1-17 are currently being considered.

Response to Arguments

Applicant's arguments filed on January 27, 2009 have been fully considered but they are not persuasive for the following reasons:

Regarding claim 9, the Applicant argues that the Cited Prior Art (CPA), Lee (U.S. Patent 5,923,759), does not teach a continuous stream of digital data and doesn't teach that there is a stream control means. This argument is not found persuasive. The term "continuous" stream, is considered ambiguous, and the CPA does teach that the smart card receives a stream of data (column 3, lines 51-59). This stream can be considered continuous as the claim language does not define what separates continuous from non-continuous. Therefore, the argument is not found persuasive. Furthermore, the Applicant argues that the CPA does not teach stream control means. This argument is also not found persuasive. The smart card interfaces have bandwidth limits which perform a stream control because it can only accept a certain amount of digital data at a time (column 3, lines 51-59). Therefore, the argument is not found persuasive.

The rejection for the claims are given below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (U.S. Patent 5,923,759).

Regarding claim 1, Lee discloses:

Microcircuit card including:

input-output means (14) for receiving a continuous stream digital data (DATA)

(column 3, lines 51-59);

processing means (12) for processing said digital data (column 3, lines 51-59);

and

stream control means (26) (column 3, lines 51-59), the microcircuit card being characterized in that the processing means (12) include:

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transfer means (DMA) for transferring said continuous stream of digital data (DATA) between the input-output means (14) and a storage area (18) (column 7, lines 18-34); and

communication means (20) for communicating with the stream control means (26) security data (DATA_CTRL) obtained from said continuous stream of digital data (DATA), the stream control means (26) being adapted to control the transfer of the digital data (DATA) by the transfer means (DMA) taking into account said security data (DATA_CTRL) (column 7, lines 55-61).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that said security data (DATA_CTRL) consists at least in part of a portion of said digital data (DATA) (column 7, lines 17-23).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Lee discloses:

Microcircuit card according to claim 2, characterized in that said security data (DATA_CTRL) includes authentication data (AUTH) for authenticating a portion (P1) of the digital data received by the card, the stream control means (26) being adapted to verify the validity of said digital data (DATA) on the basis of this authentication data

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(AUTH) and to control said transfer as a function of the result of this verification (column 7, lines 17-23).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that said processing means (12) are adapted to insert into said security data (DATA_CTRL) a result of processing said digital data (DATA) (column 7, lines 17-23).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Lee discloses:

Microcircuit card according to claim 4, characterized in that said processing result is the result of a step of authenticating said digital data (column 7, lines 29-34: *wherein after the data is deemed authentic the processor goes to the next step*).

Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that the stream control means are adapted to modify at least one operating parameter of said transfer means (DMA) (column 7, lines 17-34: *change switch between algorithms*).

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Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Lee discloses:

Microcircuit card according to claim 6, characterized in that said parameter is selected from an address of said storage area (18) and a parameter for selecting a protocol for communication between the input-output means (14) and the storage area (18) (column 7, lines 17-34: *algorithm stored in memory*).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that said processing means (12) include a data compression unit (13), a data decompression unit, a data encryption unit or a data decryption unit (column 1, lines 1-15).

Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that said stream control means (26) are adapted to command stopping of the transfer of the continuous stream of digital data (DATA) by said transfer means (DMA) if they detect the presence of invalid authentication data in said digital data (DATA) on the basis of said security data (DATA_CTRL) (column 7, lines 19-33).

Claim 10 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that the stream control means (26) are further adapted to obtain preliminary data directly from the input-output means (14), the stream control means (26) also taking account of the preliminary data in authorizing or refusing the transfer of the digital data (DATA) by the transfer means (DMA) (column 6, lines 37-44).

Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Lee discloses:

Microcircuit card according to claim 10, characterized in that said preliminary data includes authentication data (PASSWD) (column 7, lines 51-60: *PIN*).

Claim 12 is rejected as applied above in rejecting claim 10. Furthermore, Lee discloses:

Microcircuit card according to claim 10, characterized in that said data includes a storage address for said digital data (column 7, lines 23-24).

Claim 13 is rejected as applied above in rejecting claim 1. Furthermore, Lee discloses:

Microcircuit card according to claim 1, characterized in that it further includes regulation means (PLL) adapted to modify a clock frequency applied to the processing

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means (12) as a function of said security data (DATA_CTRL) (column 6, lines 20-25: *switching between synchronous and asynchronous clocks*).

Claim 15 is rejected as applied above in rejecting claim 11. Furthermore, Lee discloses:

Microcircuit card according to claim 11, characterized in that said data includes a storage address for said digital data (column 7, lines 17-23).

Regarding claim 16, Lee discloses:

first input-output means for receiving digital data (column 3, lines 51-59);

processing means for processing said digital data (column 3, lines 51-59);

transfer means for transferring said digital data between the first input-output means and a storage area (column 7, lines 18-34);

second input-output means for receiving preliminary data (column 7, lines 17-23).;

stream control means adapted to control the transfer of digital data taking into account the preliminary data (column 7, lines 17-34: *change switch between algorithms*).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent 5,923,759) in view of Pyle et al. (U.S. Patent 5,737,231).

Claim 14 is rejected as applied above in rejecting claim 1. Lee does not explicitly disclose that the transfer means include a DMA component. Pyle discloses a DMA controller that automatically transfers network frame data between the network controller and buffers in host system memory (Pyle: column 10, lines 4-22). It would have been obvious to one of ordinary skill in the art at the time of invention to use the DMA controller of Pyle in the system of Lee to allow multiple data transfers from a single fixed memory location or from sequential memory locations to the same number of sequential memory locations (Pyle: column 10, lines 4-22).

Claim 17 is rejected as applied above in rejecting claim 16. Lee does not explicitly disclose that the transfer means include a DMA component. Pyle discloses a DMA controller that automatically transfers network frame data between the network controller and buffers in host system memory (Pyle: column 10, lines 4-22). It would have been obvious to one of ordinary skill in the art at the time of invention to use the DMA controller of Pyle in the system of Lee to allow multiple data transfers from a single

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fixed memory location or from sequential memory locations to the same number of sequential memory locations (Pyle: column 10, lines 4-22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/

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Primary Examiner, Art Unit 2431

/K. A./

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Primary Examiner, Art Unit 2431